



BUILDING AND STANDARDS COMMISSION MINUTES

**REGULAR MEETING
Wednesday, March 26, 2014**

The Building and Standards Commission convened in a regular meeting on Wednesday, March 26, 2014 at City Hall, in the Boards and Commission Room, 301 West 2nd Street, Austin, Texas.

Madam Chair, Ethelynn Beebe called the Commission Meeting to order at 6:32 p.m.

Commission Members in Attendance:

Ethelynn Beebe, Chair; Charles Cloutman; Daniel Gonzalez; Tim Hill; Vice-chair David Brown; Stacy Kaplowitz;
Steven Alloway

Staff in Attendance:

Christopher Moore - Assistant Division Manager for Legal Operations; Merlinda Coleman - Program Specialist; Patricia Link - Assistant City Attorney; Keith Leach - Assistant Director Code Compliance; Terri Roberts - Division Manager; Edgar Hinojosa - Assistant Division Manager; Chris Maldonado - Code Compliance Inspector; Martin Kelly - Assistant Division Manager; Lauren Taggart - Inspector for the Southeast; Jason Davenport - Code Compliance Inspector; Greg Guernsey - Director, Planning, Development and Review; Michael Dial - Code Compliance Inspector; Manuel Villegas - Code Compliance Inspector.

1. CITIZEN COMMUNICATION: GENERAL

- a. Margaret Ramirez, on behalf of her mother Mary Corpus, who lives at 600 Vermont Drive, #B. Property owner is Dora Chairez. Owner will not make necessary repairs to duplex, owner was reported to City of Austin Code Compliance by Ms. Ramirez, but nothing has been done.
- b. Stuart Hersh regarding his requested code amendment not being heard; that no request has been made for the Affordability Impact Statement required by Ordinance 20071129-100 required prior to Commission action or hearing; again requests that Neighborhood Housing and Community Development be asked to prepare the impact statement before the next meeting; that the agenda posting allow for action on the 25-1-365 amendment, an annual permit amendment to the residential code and building he proposed.

2. PUBLIC HEARINGS

- a. New Cases
 - i. **11311 April Drive; Cheryl Evans**
CL # 2014-023180

11311 April Drive is a single-family structure currently vacant, and homesteaded. Cheryl Evans is the homeowner and representative.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order that demolition permits be secured; order all portions of the home be demolished, removed and the lot left in a cleaned and raked condition within 30 days of the date this order is mailed to the owner; order the property surrounding the structure to remain fenced and secured until demolition is complete; order the owner or owner's representative shall request inspection to verify compliance. If compliance is not achieved within 30 days, the Code official may proceed with demolition. After 30 days all portions of the home, including items in the home and on the property will be considered debris and disposed of as such. A lien for the expenses incurred by the City of Austin will be filed and recorded with the Travis County deed records.

Ms. Evans, the homeowner, wants to rebuild home and submitted a construction quote and documentation from her insurance carrier; stated a permit had been obtained on the 24th, and cleanup has begun. Estimated completion date is July 30.

Commissioner Hill made a motion to place the case in abeyance until staff deems it necessary to bring it back; Commissioner Gonzalez seconded; vote was taken, motion passed unanimously.

**ii. 901 Armadillo Road; Philip G. Savoy
CL # 2014-025689**

901 Armadillo Road is single-family structure currently vacant and homesteaded. The case was represented by Robert Gray, court-appointed executor of the estate of Philip G. Savoy; Dan Vogler, neighbor on behalf of the owner; and Patricia Gray, ex-wife of Philip G. Savoy, deceased. The case from first brought to the Commission on October 24, 2012, at which time the Commission issued a repair order. Full compliance was to be completed within 90 days, or a \$250 per week penalty should begin to accrue. Repairs were never completed, and the owner has since passed away. The property has gone through probate and is now owned by the heir of the deceased owner. The amount accrued to date is \$14,750.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order that civil penalties in the amount of \$14,750 be paid to the City of Austin; demolition permits be secured; order all portions of the home and all accessory structures to be demolished, removed and the lot left in a cleaned and raked condition within 30 days of the date this order is mailed to the owner; order the owner or owner's representative shall request inspection to verify compliance. If compliance is not achieved within 30 days, the Code official may proceed with demolition. After 30 days all portions of the home, including items in the home and on the property will be considered debris and disposed of as such, including all accessory structures. A lien for the expenses incurred by the City of Austin will be filed and recorded with the Travis County deed records.

Mr. Gray reported that he has contracted with a company to do the demolition. He was not aware that there were penalties associated with the property. He requested the Commission wait 30 days before taking any action on this property.

Commissioner Kaplowitz made a motion to adopt the recommended order and the Findings of Fact and Conclusions of law but amend the order to extend the time to 90 days for the requirement that all portions of the structure be taken down and disposed of. Commissioner Hill seconded.

Commissioner Cloutman moved for a friendly amendment that Code Compliance return with recommendations at the end of 90 days. Vice-chair Hill seconded. After further discussion Commissioner Cloutman withdrew his first friendly amendment and made a new friendly amendment that the penalties be forgiven since the heirs had no knowledge of it and they're in the process of complying. Commissioner Kaplowitz seconded. Vote was taken and the amendment and motion passed unanimously.

**iii. 10503 Berthound Drive; William C. Shafer
CL # 2014-025367**

10503 Berthound Drive is a single-family residential structure currently occupied and homesteaded. Owner or representative was not present. An agreed order is currently on file.

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law for this property; order an interior inspection to be completed; all necessary permits to be secured; order it repaired within 30 days from the date the order is mailed to the owner; order all repairs or modifications to meet or exceed the requirements of all applicable codes; order the owner, or owner's designee, shall request inspection to verify compliance; and after 30 days, penalty of \$140 per week shall be assessed until work is completed and final inspections passed.

Motion was made by Commissioner Gonzalez to adopt the Findings of Fact and Conclusions of Law as presented by staff and the Commission adopt the recommended agreed order. Commissioner Kaplowitz seconded. Vote was taken; the motion passed unanimously.

**iv. 10204 Brownie Drive; Andy Tong
CL # 2014-025439**

10204 Brownie Drive is residential four-plex structure. The owner or representative was not present. An agreed order is currently on file.

The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

A motion was made by Commissioner Kaplowitz to adopt the Findings of Fact and Conclusions of Law and recommended agreed order. Commissioner Hill seconded. Vote was taken; motion passed unanimously.

**v. 6618 Manor Road; 6600 Manor Road Investments, LLC
CL # 2014-024213**

6618 Manor Road is commercial building structure that has been neglected and has deteriorated. The owner or representative was not present. An agreed order is currently on file.

The City of Austin Code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the recommended agreed order, the Findings of Fact and Conclusions of Law for this property; order any necessary permits to be secured; order repair within 30 days from the date the order is mailed to the owner; order all repairs or modifications to meet or exceed the requirements of all applicable codes; that the structure shall remain vacant until compliance is achieved; the owner or owner's representative shall request inspection to verify compliance; and after 30 days a penalty of \$1,000 per week shall be assessed until work is completed and final inspections passed.

A motion was made by Vice-chair Brown to adopt the Findings of Fact and Conclusions of Law and recommended agreed order. Commissioner Hill seconded. Vote was taken; motion passed unanimously.

**iv. 300 E. Wonsley Drive; Ricardo Ordonez
CL # 2014-025368**

300 E. Wonsley Drive is a single-family structure. The case was represented by Ricardo Ordonez, owner. The single-family structure is currently vacant, and is not homesteaded. The City of Austin code Compliance Department found that this property is in violation of the International Property Maintenance Code adopted by reference in Sections 25-12-211 through 25-12-213 Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: the Commission adopt the Findings of Fact and Conclusions of Law identified for this property; order the necessary permits be secured; order repair within 30 days from the date the order is mailed to the owner; that all repairs or modifications shall meet or exceed the requirements of all applicable codes; order that the structure remain vacant until all repairs are completed; and the owner, or owner's representative, shall request inspection to verify complete compliance; after 30 days a penalty of \$1,000 per week shall be assessed until work is completed and final inspections passed.

Mr. Ordonez represented that this was a rental property and he was not making money from the property. He stated that he can clean the property so it will be saleable but has no funds to make repairs. He also has some issues that he is dealing with through his attorney concerning the property.

A motion was made by Commissioner Cloutman that after 60 days if the property is not sold, then a board-and-secure and/or demolition is to be done. Madam Chair Beebe suggested possibly making an order that leaves the property vacant and secure and/or to take no action and put case in abeyance for 90 days, then review the case again to see if there has been any action towards a sale. Discussion continued among the Commissioners.

A motion was made by Commissioner Gonzalez that the Commission adopt the staff's Findings of Facts and Conclusions of Law; adopt a recommended order that would require the property to remain vacant and secure for 60 days, and ask staff to bring the case back in 60 days for an update on where the owner is in selling and whether or not further action needs to be taken regarding repair work.

Commissioner Kaplowitz seconded. Vote was taken; motion passed unanimously.

3. STAFF BRIEFINGS

- a. Greg Guernsey, Director of Planning, Development and Review, presented the status of staff's response to Austin City Council's Resolution concerning expedited permitting to alleviate substandard and dangerous conditions.

- b. Staff presentation: Differences and conflicts regarding BSC By-laws and Rules & Regulations.

4. FUTURE AGENDA ITEMS

- a. Director Guernsey and Director Smart to present proposal regarding the City Council's resolution concerning expedited permitting to alleviate substandard and dangerous conditions.
- b. Stuart Hersh to present his proposal on expedited permitting to alleviate substandard and dangerous conditions.

4. APPROVAL OF MINUTES

- a. February's minutes not approved.

5. ADJOURNMENT

Madam Chair Beebe adjourned the Commission hearing without objection at 9:49 p.m.